

Instructions for Categorical Exemption Form

This form shall be used by Caltrans staff for documenting Categorical Exemptions and Categorical Exclusions (CE) for projects on the State Highway System and for federal-aid projects on local streets and roads. The form combines the CEQA Categorical Exemption documentation for State projects and the NEPA Categorical Exclusion documentation, including Programmatic Categorical Exclusions.

CEQA COMPLIANCE

Local agencies are not required to complete the CEQA COMPLIANCE or CALTRANS CEQA DETERMINATION portions of this form.

For State Projects:

Include the project's District/County/Route, Kilometer Post and Post Mile information, and the Expense Authorization. The project description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the CALTRANS CEQA DETERMINATION box as documentation.

The conditions listed under CEQA COMPLIANCE are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

If there is no federal involvement in the project, write "not applicable" in the CALTRANS NEPA DETERMINATION box.

NEPA COMPLIANCE

For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, changes in access control, or connection to the Interstate system. The following represents the distinction between Categorical Exclusions (CE) and Programmatic Categorical Exclusions (PCE). Documentation to support a CE or PCE determination shall be retained in the project file.

Categorical Exclusions (CE)

State and local agency projects must meet all five declarations of fact listed under NEPA COMPLIANCE on the CE form.

- The Environmental Office Chief (or designee) checks the Categorical Exclusion (CE) box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief (or designee) and Project Manager (the District

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Local Assistance Engineer for local projects off the state highway system) sign and date the CALTRANS NEPA DETERMINATION box to confirm that the project meets the conditions of a CE.

- The FHWA Transportation Engineer signs and dates in the FHWA DETERMINATION space, validating that the action will not individually or cumulatively have a significant effect and is excluded from the requirement to prepare an EA or EIS.

Programmatic Categorical Exclusions (PCE)

State and local agency projects must meet all five conditions listed under NEPA COMPLIANCE and all conditions included in the September 7, 1990 Programmatic Categorical Exclusion (PCE) agreement (provided on page 5 of these instructions).

Projects that would otherwise meet the criteria of a PCE but which involve technical studies that require FHWA action or approvals shall not be processed as a PCE, but shall be treated as a CE.

For Local Agency Projects (off the State Highway System)

- For local agency projects OFF the State Highway System, the DLAE makes a determination (consistent with this letter), that the PES form is complete and sufficient and that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. At the discretion of the DLAE, the appropriate environmental staff will be involved to assure these conditions are met.
- The DLAE checks the Programmatic Categorical Exclusion (PCE) box in the CALTRANS NEPA DETERMINATION box, and signs and dates the CALTRANS NEPA DETERMINATION box.
- When environmental staff assistance is requested by the DLAE, the Environmental Office Chief (or designee) will also sign and date the CALTRANS NEPA DETERMINATION box.
- The FHWA Transportation Engineer does not sign the PCE.

Projects on the State Highway System:

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement and checks the Programmatic Categorical Exclusion (PCE) box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief and Caltrans Project Manager (the District Local Assistance Engineer for local projects off the state highway system) sign and date the CALTRANS NEPA DETERMINATION box.
- The FHWA Transportation Engineer does not sign the PCE.

Additional Information

Documentation of compliance with other laws or requirements may be necessary to

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support a Categorical Exclusion or Programmatic Categorical Exclusion. Certain items shall be attached to the CE form and others may simply be summarized and referenced, as follows:

Attachments:

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE form.
- A NEPA Categorical Exclusion determination may include commitments to mitigation measures or design conditions. If commitments to mitigation measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE form.

Conclusions of Other Documentation:

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach the conclusion of Section 106 compliance.
- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require a project level Air Quality study. If an Air Quality study was required, attach its conclusions.
- If the project involves Waters of the United States, as defined in the Clean Water Act of 1977 (33 USC 1251-1376), and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies and its effective date.
- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach the conclusions of coordination with the Army Corps of Engineers pursuant to the 1994 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada.
- Documentation of compliance with the Endangered Species Act may also be required. If so, attach the conclusions of the biological survey.
- A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required when the project “uses” land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved prior to the CE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach its conclusion.

CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance. Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical

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Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.

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TEXT OF SEPTEMBER 7, 1990 AGREEMENT ON PROGRAMMATIC CATEGORICAL EXCLUSIONS

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) concur in advance with the classification of those types of Categorical Exclusions (CEs), identified in 23 CFR 771.117(d) with no environmental impacts. Caltrans certifies that all the conditions indicated in this blanket classification will be satisfied for all of the projects processed under this programmatic classification and approval process.

Additional actions which qualify as CEs under 23 CFR 771.117(d), and which meet the criteria of 23 CFR 771.117(a), may be designated as CEs upon the submission of documentation which demonstrates that the specific conditions of criteria for those CEs are satisfied, and that significant environmental impacts will not result.

The following conditions will apply to those actions which qualify under 23 CFR 771.117(d) that are processed by Caltrans under this programmatic approach. If one or more of the following conditions are not satisfied, separate environmental documentation which demonstrates that the specific conditions or criteria for the CEs are satisfied, and that significant environmental impacts will not result will be submitted to the FHWA to support the classification:

1. *The actions does not have any significant environmental impacts as described in 23 CFR 771.117(a);*
2. *The actions does not involve unusual circumstances as described in 23 CFR 771.117(b);*
3. *The action does not involve the following:*
 - a) *The acquisition of more than minor amounts of temporary or permanent strips of right-of-way for construction of such items as clear vision corners and grading. Such acquisitions will not require any commercial or residential displacements.*
 - b) *The use of properties protected by Section 4(f) of the Department of Transportation Act (49 USC 303).*
 - c) *A determination of adverse effect by the State Historic Preservation Officer.*
 - d) *Any US Coast Guard construction permits or any US Army Corps of Engineers Section 404 permits [other than nationwide (blanket) permits].*
 - e) *Any work in wetlands.*
 - f) *Any work permanently encroaching on a regulatory floodway of any work affecting the base floodplain (100-year flood) elevations of a water course or lake.*
 - g) *Construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the US Department of the Interior/US Department of Agriculture.*
 - h) *Any changes in access control.*

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- i) *The use of a temporary road, detour or ramp closure unless the use of such facilities satisfy the following conditions:*
 - i) *Provisions are made for access by local traffic and so posted.*
 - ii) *Through-traffic dependent business will not be adversely affected.*
 - iii) *The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.*
 - iv) *The temporary road, detour, or ramp closure does not substantially change the environmental consequences of the action.*
 - v) *There is no substantial controversy associated with the temporary road, detour, or ramp closure.*
- j) *Any known hazardous materials sites or hazardous materials remains within the right-of-way.*
- 4. *The action conforms to the Air Quality Implementation Plan which is approved or promulgated by the Environmental Protection Agency in air quality nonattainment areas.*
- 5. *The action is consistent with the State's Coastal Zone Management Plan.*
- 6. *The action does not affect federally listed endangered or threatened species or critical habitat.*

All determinations made by Caltrans under this blanket classification will be documented. The documentation will be available for FHWA review upon request.

A list of individual projects classifies under this blanket classification will be furnished to the FHWA Division Office prior to final design activities, property acquisition (with the exception of hardship and protective buying), or project construction.

(Agreement executed by E. W. Blackmer, Chief, Environmental Analysis and Bruce Cannon, FHWA Division Administrator on September 7, 1990.)